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SEP 15 2004  
CLERK U S DISTRICT COURT  
DISTRICT OF ARIZONA  
BY \_\_\_\_\_ E DEPUTY

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SEP 27 2004  
CLERK U S DISTRICT COURT  
DISTRICT OF ARIZONA  
BY \_\_\_\_\_ DEPUTY

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America, )  
 )  
Plaintiff, )

No.

**CV'04 1926 PHX EHC**

vs.

The State of Arizona; )  
Janet Napolitano, Governor of )  
the State of Arizona; )  
The Arizona Department of )  
Juvenile Corrections, Michael )  
Branham, Director, )  
Joseph Jericho, Superintendent, )  
Adobe Mountain School; )  
Judy Dyess, Superintendent, )  
Black Canyon School; )  
Manuel Lopez, Superintendent, )  
Catalina Mountain School, )  
 )  
Defendants. )

**ORDER FOR CONDITIONAL  
DISMISSAL PURSUANT TO  
RULE 41(a)(2)**

Plaintiff, the United States of America, and Defendants,  
the State of Arizona, et al., have determined that the  
interests of all concerned parties can best be served by  
entering into a Memorandum of Agreement for the implementation  
of needed improvements in the operation of Adobe Mountain  
School, Black Canyon School and Catalina Mountain School,  
three juvenile justice facilities operated by the Arizona  
Department of Juvenile Corrections. In recognition of these  
interests and to avoid adversarial litigation, the parties  
have entered into a Memorandum of Agreement, attached to their

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Joint Motion for Conditional Dismissal, to settle this matter and have moved this Court, pursuant to Fed. R. Civ. P. 41(a)(2), to conditionally dismiss this matter subject to the full implementation of the Memorandum of Agreement.

Having reviewed the joint motion and for good cause shown;

IT IS HEREBY ORDERED that this case is conditionally dismissed and shall be placed on the inactive docket pending compliance with the Memorandum of Agreement lodged with the Court. This Court will retain jurisdiction over the case, pending compliance with the Memorandum of Agreement, until a final dismissal with prejudice is entered.

DATED this 24 day of September, 2004.

Earl H. Hoover  
United States District Judge